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10/623,281	07/18/2003	Patrick L. Watson	EKIN:1001	2401
34725	7590	06/11/2007	EXAMINER	
CHALKER FLORES, LLP			CHAU, MINH H	
2711 LBJ FRWY			ART UNIT	
Suite 1036			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/623,281	Applicant(s) WATSON ET AL.	
	Examiner Minh H. Chau	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 37-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Fellows et al.*** (US # 4,752,496) in view of ***Schilli et al.*** (US # 5,552,869) and ***Nunoo et al.*** (JP 01246-748)

With respect to **Independent claim 37**, ***Fellows et al.*** teach a method of applying a cosmetics or a scent to a substrates or an article (col. 1, lines 6-9 and col. 3, lines 35-68), comprise the steps of applying a cosmetic slurry carrier or a scented gel carrier to a substrate (col. 3, lines 35-39), the cosmetic slurry carrier or the scented gel carrier comprises one or more fragrances or scents dispersed in or about a polymers matrix (cols. 3-5) and drying or curing the cosmetic slurry carrier or the scented gel carrier by heating to bond the cosmetic slurry carrier or the scented gel carrier to substrate or article (col. 5, lines 59-68)

Fellows et al. teach all the limitations, except for the recitation of "curing the scented gel carrier at a temperature is at about or less than the flashpoint of the scent".

Schilli et al. teach a method for drying liquid or ink at a temperature below or less than the flashpoint of the liquid or ink (cols. 2-3 of Schilli et al.)

In view of this teaching, it would have been obvious to one of skill in the art to modify the method steps of *Fellows et al.* to include the step of drying liquid or ink at a temperature below or less than the flashpoint of the liquid or ink as taught by *Schilli et al.* to assure the curing process of the cosmetic slurry or scented gel applied on the substrate can be carrying out properly.

Fellows et al. and *Schilli et al.* teach all the limitations as explained above, except for the recitation "bond the scent gel carrier to the article such that the cleaning of the article will not remove the scented gel carrier from the article".

Nunoo et al. teach method of applying or bonding a perfume or a scented gel carrier to a fabric or article such that washing or cleaning of the fabric or article will not remove the scented gel carrier from the fabric or article (see the abstract).

In view of this teaching, it would have been obvious to one of skill in the art to modify the method steps of *Fellows et al.* and *Schilli et al.* to include the step of applying or bonding a perfume or a scented gel carrier to a fabric or article such that washing or cleaning of the fabric or article will not remove the scented gel carrier from the fabric or article as taught by *Nunoo et al.* to retaining perfume or scented smell on fabric or article for a long period.

With respect to **claim 38**, see col. 5, lines 4-10 of *Fellows et al.* that teach the step of providing or applying a protective coating to the substrate.

With respect to **claim 39**, see col. 4, lines 4-10 of *Fellows et al.* that teach the step of providing or applying a protective coating to the cosmetic slurry carrier or the scented gel carrier.

With respect to **claim 40**, see col. 5, lines 45-50 of *Fellows et al.* that teach the cosmetic slurry carrier or the scented gel carrier is applied to the substrate by spraying.

With respect to **claim 41**, see col. 3 of *Fellows et al.* that teach the step of applying the cosmetic slurry carrier or the scented gel carrier to a surface of a substrate; the cosmetic slurry carrier comprising a fragrances or scent and the fragrances or scent is not generally visible during the use of the article.

With respect to **claim 42**, see col. 4 of *Fellows et al.* that teach the cosmetic carrier or the scented gel carrier is clear or colorless.

With respect to **claim 43**, see col. 4 of *Fellows et al.* that teach the cosmetic slurry carrier or the scented gel is applied to substrate by a standard printing techniques. And while *Fellows et al.* do not specifically teach a use of "screen-printing" technique. The use of a screen-printing technique for applying ink or other liquid to a substrate has been well known in the art of printing. It would have been obvious to one of skill in the art to substitute the stand printing technique of *Fellows et al.* with a screen-printing technique, such substitution would involve simply a substitute of one known printing technique for another known printing technique depending on selection of the designer. or by screen printing.

With respect to **claim 44**, as explained in the rejection to claim 37 above, it is clear to one of skill in the art that an article of manufacture can be made in accordance with the method steps of 37.

3. **Claims 37-39 and 41-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nunoo et al.* (JP 01246-748) in view of *Schilli et al.* (US # 5,552,869).

With respect to **Independent claim 37**, *Nunoo et al.* teach a method of applying a perfume or a scent to a fabric or an article (see the abstract), comprise the steps of applying a perfume carrier or a scented gel carrier to a substrate (see the abstract), the perfume carrier or the scented gel carrier comprises one or more fragrances or scents dispersed in or about a polymers matrix (see the abstract) and drying or curing the perfume carrier or the scented gel carrier by heating to bond the perfume carrier or the scented gel carrier to fabric or article such that washing or cleaning of the fabric or article will not remove the scented gel carrier from the fabric or article (see the abstract).

Nunoo et al. teach all the limitations, except for the recitation of "curing the scented gel carrier at a temperature is at about or less than the flashpoint of the scent".

Schilli et al. teach a method for drying liquid or ink at a temperature below or less than the flashpoint of the liquid or ink (cols. 2-3 of Schilli et al.)

In view of this teaching, it would have been obvious to one of skill in the art to modify the method steps of *Nunoo et al.* to include the step of drying liquid or ink at a temperature below or less than the flashpoint of the liquid or ink at taught by *Schilli et al.* to assure the curing process of the perfume or scented gel applied on the substrate can be carrying out properly.

With respect to **claim 38**, see the abstract of *Nunoo et al.* that teach the step of applying a coating or protective coating to the fabric or substrate.

With respect to **claim 39**, see the abstract of *Nunoo et al.* that teach the step of applying a coating or a protective coating to the perfume carrier or the scented gel carrier.

With respect to **claim 41**, see the abstract of *Nunoo s et al.* that teach the step of applying the perfume carrier or the scented gel carrier to a surface of a substrate; the perfume carrier comprising a fragrances or scent. It is noted that the fragrances or scent is not generally visible during the use of the article.

With respect to **claim 42**, see the abstract of *Nunoo et al.* that teach the perfume carrier or the scented gel carrier is a compound include Silicon, which is clear or colorless.

With respect to **claim 43**, see the abstract of *Nunoo et al.* that teach a method of using one of standard printing technique to applying the perfume carrier or the scented gel carrier to fabric or substrate. And while *Nunoo et al.* do not specifically teach a use of "screen-printing" technique. The use of a screen-printing technique for applying ink or other liquid to a substrate has been well known in the art of printing. It would have been obvious to one of skill in the art to substitute the stand printing technique of *Nunoo et al.* with a screen-printing technique, such substitution would involve simply a substitute of one known printing technique for another known printing technique depending on selection of the designer.

With respect to **claim 44**, as explained in the rejection to claim 37 above, it is clear to one of skill in the art that an article of manufacture can be made in accordance with the method steps of 37.

Art Unit: 2854

4. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nunoo et al.** and **Schilli et al.** as applied to claims 37-39 and 41-44 above, and in view of **Fellows et al.** (US # 4,752,496) **Nunoo et al.**

With respect to **claim 40**, see the abstract of **Nunoo et al.** that teach the perfume carrier or the scented gel carrier is applied to the substrate by a printing technique.

Nunoo et al. and **Schilli et al.** teach all the limitations as explained above, except for the recitation of the scented gel carrier is applied to the substrate by spraying.

Fellows et al. teach a method of applying a cosmetic slurry carrier or the scented gel carrier to the substrate by spraying (see col. 5, lines 45-50).

In view of this teaching, it would have been obvious to one of skill in the art to modify the method steps of **Nunoo et al.** and **Schilli et al.** to include the step of applying a cosmetic slurry carrier or the scented gel carrier to the substrate by spraying as taught by **Fellows et al.** to allowing applying of the perfume carrier or scented gel carrier to the fabric or the substrate can be carry out f accurate and faster.

Response to Remarks/Arguments

5. Applicant's arguments with respect to claims 37-44 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2854

4. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nunoo et al.** and **Schilli et al.** as applied to claims 37-39 and 41-44 above, and in view of **Fellows et al.** (US # 4,752,496) **Nunoo et al.**

With respect to **claim 40**, see the abstract of **Nunoo et al.** that teach the perfume carrier or the scented gel carrier is applied to the substrate by a printing technique.

Nunoo et al. and **Schilli et al.** teach all the limitations as explained above, except for the recitation of the scented gel carrier is applied to the substrate by spraying.

Fellows et al. teach a method of applying a cosmetic slurry carrier or the scented gel carrier to the substrate by spraying (see col. 5, lines 45-50).

In view of this teaching, it would have been obvious to one of skill in the art to modify the method steps of **Nunoo et al.** and **Schilli et al.** to include the step of applying a cosmetic slurry carrier or the scented gel carrier to the substrate by spraying as taught by **Fellows et al.** to allowing applying of the perfume carrier or scented gel carrier to the fabric or the substrate can be carry out f accurate and faster.

Response to Remarks/Arguments

5. Applicant's arguments with respect to claims 37-44 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H. Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC
June 05, 2007


MINH CHAU
PRIMARY EXAMINER